

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
November 1, 2001

NRB AUTHORIZES PUBLIC HEARINGS ON PROPOSED SOIL GIS REGISTRY RULE
DNR's Natural Resources Board (NRB) has authorized public hearings on a proposed rule to clarify the application of deed notices and restrictions to properties where residual soil contamination remains after closure. The changes would establish an on-line geographic information system (GIS) registry to replace most soil deed notices (similar to the groundwater GIS registry that becomes effective today). Because this soil new registry would provide continuous public access to this information, the proposed rule would repeal NR 714.07(5), which currently requires responsible parties to publish a legal notice in the newspaper when proposing a soil performance standard. Concurrent proposed changes to NR 749 would establish a fee of \$200 to enable DNR to recover costs of managing the soil GIS registry. The rule changes would also specify when deed restrictions must be recorded for properties with residual soil contamination, and define "industrial land use". The proposed rule changes, background memo and NRB summary are on our web site. Please see the Oct. 12, 2001 item under our "What's New?" heading. <http://www.dnr.state.wi.us/org/aw/rr/index.htm>
A video conference public hearing at 5 or 6 locations is planned for January. The deadline for written comments, and the public hearing date, will be announced in a future "RR News from DNR" and also on the DNR's "News & Events" web page.

COMMENT PERIOD EXTENDED FOR FOX RIVER CLEANUP PLAN

The public comment period for the Fox River and Green Bay PCB Remedial Investigation and Feasibility Study, Risk Assessment and Proposed Remedial Action Plan has been extended until January 21, 2002. The plan proposes the removal of approximately 7.25 million cubic yards of contaminated sediment containing over 29,200 kilograms of PCBs from the Lower Fox River, using environmental dredging techniques that minimize adverse environmental impacts, including resuspension of sediment during dredging. The dredging will take place in Little Lake Butte des Morts and from Little Rapids to the river mouth at Green Bay. The proposed plan utilizes monitored natural recovery of the residual PCB contamination remaining in dredged areas and in undisturbed areas where no dredging is proposed. Please see this web page for more information and to find out how to comment.
<http://www.dnr.state.wi.us/org/water/wm/lowerfox/proplan.html>

SITE ASSESSMENT GRANT APPLICATION AND INSTRUCTIONS AVAILABLE

The Brownfield Site Assessment Grant (SAG) program has \$3.4 million in available funding over the next two years to help local governments investigate brownfields. Applications and instructions for the first \$1.7 million are now available from the DNR's Remediation and Redevelopment Program. Applications for both large and small grants are due January 18, 2002. You can access the SAG application, instructions and fact sheet through the 10/30/01 item on the "What's New?" section of the RR web site at
http://www.dnr.state.wi.us/org/aw/rr/general/whats_new.html If you have questions about the SAG program, please contact Percy Mather at 608-266-9263 or by email at mathep@dnr.state.wi.us.

CONDITIONAL CLOSURE LETTERS ALLOW CLOSURE WITHOUT GIS FEE

Some responsible parties have received a conditional closure letter from DNR or the Department of Commerce for sites with residual groundwater contamination above the enforcement standard in ch. NR 140. One of the conditions for final closure that is included in those letters is a requirement to record a groundwater use restriction at the county Register of Deeds office. Rule changes that take effect today, November 1, replace the requirement to record the groundwater use restriction with a requirement to include these sites on a GIS Registry of Closed remediation Sites. However, if responsible parties have already received a conditional closure letter and do not want to pay the \$250 fee for the registry, they may still obtain final case closure by recording the groundwater use restriction. These sites will still appear on the registry.

NEW PUBLICATIONS

"Contents of Site Investigation Reports for Petroleum Contaminated Sites" (RR-628) is a joint publication of the Departments of Natural Resources and Commerce. Consultants should use the checklist to ensure that their reports are complete and well organized. Portions of the checklist (section 1.3, site location) refer to new geographic position requirements that take effect today. "Information about Contaminated Properties in Wisconsin" (RR-673) is a simple, non-technical brochure that describes two on-line databases about contaminated properties available from DNR. Please see the items dated 10/23/01 on our "What's New?" web page for these publications.
http://www.dnr.state.wi.us/org/aw/rr/general/whats_new.html

OUR APOLOGIES

Due to technical problems, some subscribers to the "RR News from DNR" received the October 22, 2001 message two times, and may not have received the October 15, 2001 message at all. The following text repeats the October 15, 2001 message.

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR October 15, 2001

PROPOSED RULES WOULD ESTABLISH A SOIL GIS REGISTRY

At their October meeting, Natural Resources Board (NRB) members will be asked to authorize hearings on proposed changes to chapters NR 700, 714, 722, 726 and 749. These changes would clarify application of deed notices and restrictions to properties where residual soil contamination remains after closure, and would establish an on-line geographic information system (GIS) registry to replace most soil deed notices. (This would be similar to the groundwater GIS registry that becomes effective November 1.) Sites closed with residual soil contamination would be placed on the soil GIS registry to notify future owners and users about the residual soil contamination. Because this new registry would provide continuous public access to this information, the proposed rule would repeal NR 714.07(5), which currently requires responsible parties to publish a legal notice in the newspaper when proposing a soil performance standard. Proposed changes to NR 749 would establish a fee of \$200 to enable DNR to recover costs of managing the soil GIS registry. The rule would also specify when deed restrictions must be recorded for properties with residual soil contamination. This would allow property owners and others to anticipate any restrictions on land use likely to be required as a condition of case closure, by clearly establishing the

institutional controls required with closure approval. Other related changes to ch. 700 and 726 would define the term "industrial land use," specify contents of deed restrictions, and change some provisions of the groundwater GIS registry to be consistent with the new soil GIS registry. The rule changes, background memo and NRB summary can be found on our Regulations web page. Please see "What's New?" <http://www.dnr.state.wi.us/org/aw/rr/index.htm>

NATURAL ATTENUATION LETTERS AND FACTSHEET REQUIRED

Starting in November, case closure requirements for sites with groundwater contamination above enforcement standards (ES) will be different if groundwater has crossed the property line and is still above the ES. In this case, responsible parties must send a letter to owners of affected properties and include a DNR factsheet with the letter. The natural attenuation factsheet was announced in the Oct. 12 "RR News from DNR" and is on our web site at <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR671.pdf> Affected neighbors who receive the letter and factsheet then have at least a 30 days to provide any relevant technical information to DNR or Commerce before the state reviews the case closure request. The contents of the letter that RPs must send to affected neighbors are included in Appendix A of the revised NR 726. The rule revisions, including Appendix A, are on the RR web site Regulations page at http://www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm Look under proposed revisions to administrative codes, 8/21/01, and open the "Full Green Sheet Package with Response to Comments" to find the rule language. The relevant section is NR 726.05(3)(a)4.g. The RP must include copies of these letters to other affected property owners in the case closure request.

NEW PUBLICATIONS FROM THE DEPT OF HEALTH & FAMILY SERVICES

The WI Department of Health and Family Services (DHFS) has added three new factsheets to the Environmental Health Resources section on their DHFS web site, located under the Human Health Hazards topic. They are

- Old Dumps and Landfills
- Former Manufactured Gas Plants,
- Lead in soil from Exterior Lead Paint (also found in their Lead section)

http://www.dhfs.state.wi.us/dph_beh/Env_Health_Resources/index.htm

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